

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN LEE FOSTER,

Plaintiff,

v.

STATE DEPARTMENT OF STATE
HOSPITALS,

Defendant.

No. 2:21-cv-1286 CKD P

ORDER

Plaintiff, a county prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee of \$350.00 plus the \$52.00 administrative fee.¹ See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the required fees totaling \$402.00.

The revised in forma pauperis application form includes a section that must be completed by a prison official, which must be accompanied by a certified copy of the prisoner's prison trust account statement for the six-month period immediately preceding the filing of this action.

¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not required to pay the \$52.00 administrative fee.

1 However, this section is for non-CDCR incarcerated prisoners only. Because plaintiff is housed
2 in CDCR custody, the CDCR will email plaintiff's certified financial information directly to the
3 court. But plaintiff must still provide a signed and dated application to proceed in forma
4 pauperis.

5 In accordance with the above, IT IS HEREBY ORDERED that:

6 1. Plaintiff shall submit, within thirty days from the date of this order, an application to
7 proceed in forma pauperis on the form provided by the Clerk of Court, or the required fees in the
8 amount of \$402.00; plaintiff's failure to comply with this order will result in a recommendation
9 that this action be dismissed; and

10 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
11 Forma Pauperis By a Prisoner.

12 Dated: July 27, 2021

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14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE
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